

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

MCINTYRE, KERRY	#518064	)	
(full name)	(Register No).	)	
		)	
		)	
		)	
	Plaintiff(s).	)	
		)	
v.		)	Case No. _____
BLISS, ROBERT ET AL,		)	JURY TRIAL DEMANDED
JAMES HURLEY		)	
RICKY HAYES		)	
		)	
(Full name)		)	DEFENDANTS ARE SUED IN THEIR
JOHN PIERCEAL		)	INDIVIDUAL CAPACITY &
ALAN EARLS		)	OFFICIAL CAPACITY
		)	
	Defendant(s).	)	

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): CROSSROAD CORRECTIONAL CENTER  
1115 E. PENCE ROAD, CAMERON MO. 64429

II. Parties to this civil action:  
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff MCINTYRE, KERRY Register No. # 518064  
Address CROSSROAD CORRECTIONAL CENTER, 1115 E, PENCE ROAD  
CAMERON MO. 64429

B. Defendant BLISS, ROBERT, JAMES HURLEY, ALAN EARLS, RICKY HAYES,  
JOHN PIERCEAL,  
Is employed as NORTHEAST CORRECTION CENTER, 13698 AIRPORT ROAD,  
BOWLING GREEN MO. 63334

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes X No \_\_\_\_\_
- IV. Do you request a jury trial? Yes X No \_\_\_\_\_
- V. Do you request money damages? Yes X No \_\_\_\_\_
- State the amount claimed? \$ 550 / 000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No \_\_\_\_\_

VII. Grievance procedures: **YES**

A. Does your institution have an administrative or grievance procedure?

Yes X No \_\_\_\_\_

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes X No \_\_\_\_\_

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

IRR, DATE STAFF RECEIVE: 3-22-12 OFFENDER GRIEVANCE, DATES

STAFF RECEIVE: APRIL 13, 2012 OFFENDER GRIEVANCE APPEAL,

DATES STAFF RECEIVE: JUN 11, 2012, NECC-12-481-necc-12-565

D. If you have not filed a grievance, state the reasons.

SEE: ATTACHMENT PAGE

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes \_\_\_\_\_ No X

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes \_\_\_\_\_ No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: N-A

(Plaintiff)

(Defendant)

(2) Date filed: N-A

- (3) Court where filed: N/A
- (4) Case Number and citation: n/a
- (5) Basic claim made: n/a
- (6) Date of disposition: n/a
- (7) Disposition: n/a  
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: n/a  
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.
- DATE: 03/14/2012 BLISS, ROBERT, & JAMES HURLEY, & ALAN EARLS. THIS CASE ALLEGES THAT THE PLAINTIFF WAS SUBJECTED TO THE EXCESSIVE USE OF FORCE BY SEVERAL CORRECTIONAL OFFICERS OF WHOM ACTIVELY BEAT AND ASSAULT HIM AND OTHER OF WHOM WATCHED AND FAILED TO INTERVENE IT ALLEGES THAT SUPERVISORY OFFICIALS WERE AWARE OF THE VIOLENT PROPENSITIES OF SOME OF THE OFFICER AND ARE LIABLE FOR FAILING TO TAKE ACTION TO CONTROL, CONTROL THEM, THE PLAINTIFF WAS SUBSEQUENTLY DENIED DUE PROCESS IN A DISCIPLINARY HEARING BY A HEARING OFFICER, AND HIS APPEAL WAS DENIED THE WARDEN HE WAS DENIED, ORDERED MEDICAL CARE BY THE PRISON MEDICAL ADMISSTRATOR AND THE DEPUTY WARDEN FOR ADMISTRATION
- B. State briefly your legal theory or cite appropriate authority:
- PLAINTIFF, MR. MCINTYRE KERRY SUED THE DEFENDANTS, FOR ALLEGING VIOLATED OF THE EIGHT AMENDMENT RIGHT PROHIBITION AGAINST CRUL AND UNUASL PUNSHMENT BY USE EXCESSIVE FORCE AND ASSAULTS AND BEAT THE PLAINTIFF IN IN WRIST RESTRAINTS WITHOUT JUST CAUSE.



FIRST AMENDED COMPLAINT

I

THIS ACTION ARISES UNDER THE UNITED STATES CONSTITUTION, SPECIFICALLY UNDER THE PROVISION OF THE FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES SPECIFICALLY UNDER THE CIVIL RIGHTS ACT, TITLE 42 OF THE UNITED STATES CODE SECTION(S) 1983 AND 1985.

II

THIS COURT HAS JURISDICTION OF THIS CAUSE UNDER THE PROVISIONS OF TITLE 28 OF THE UNITED STATES CODE SECTION(S) 1331 1343 AND 1391 .

III

PLAINTIFF MR. MCINTYRE KERRY ( HEREIN AFTER REFERRED TO AS MR. KERRY ) IS AN AFRICAN AMERICAN WHO AT ALL TIMES PERTINENT HERE TO WAS A PRISONER WITH THE PENAL SYSTEM OF THE STATE OF MISSOURI. PRESENTLY HE IS AN INMATE AT CROSSROAD CORRECTIONAL CENTER , (HEREIN AFTER REFERRED TO AS C.R.C.C. AT 1115 E. PENCE ROAD CAMERON MO . 64429 ).

IV

DEFENDANTS JAMES HURLEY , IS SUPERINTENDENT OF THE N.E.C.C. AND AT ALL TIMES PERTINENT HERE TO SERVED IN THAT CAPACITY.

V

DEFENDANTS BLISS ROBERT, AT ALL TIME PERTINENT HERE TO WERE CORRECTIONAL OFFICERS WITH IN THE PENAL SYSTEM OF THE STATE OF MISSOURI SPECIFICALLY EMPLOYED AT THE N.E.C.C.

VI

EACH AND ALL OF THE ACTS OF DEFENDANTS ALLEGED HEREIN WERE DONE BY DEFENDANTS UNDER THE COLOR OF STATE LAW AND UNDER THE AUTHORITY OF DEFENDANTS JAMES HURLEY HOLDING THE OFFICE OF SUPERINTENDENT OF SAID N.E.C.C.

COUNT I

VII

STATEMENT OF CLAIM

ON OR ABOUT MARCH 14, 2012 WHILE INCARCERATED AT N.E.C.C. PLAINTIFF WAS ASSAULTED BY ROBERT BLISS , WHILE RETURNING BACK IN FROM ADMINASTRATOR SEGREGATION AREA ROBERT BLISS THREATEN ME INTIMIDATED ME BECAUSE I HAD TOLD HIM THAT I WAS GOING TO REPORT HIM TO THE WARDEN ABOUT HIS THREAT AND RETALIATION AGAINST ME WHEN HE TOLD ME THAT I WILL SNAP YOUR FUCKING NECK IN HALF . I DON'T GIVE A FUCK ABOUT WHO HEARS IT BECAUSE AINT NONE OF YOU PIECES OF SHIT INMATES STATEMENTS WILL GO ANY WHERE THEN THE COII STATED TO ME YOU BLACK MUTHA FUCKERS TOGETHER COULDN 'T DO SHIT WITH ME TELL THAT TO THE WARDEN,"



PLAINTIFF WAS HANDCUFFED AND SUBSEQUENTLY TAKEN TO HOUSING UNIT #1 D WING AS PUNISHMENT . WHILE IN TRANSPORT TO SAID HUOSING UNIT PLAINTIFF WAS ASSAULTED BY DEFENDANTS ROBERT BLISS SAID DEFENDANTS WHILE RESTRAINING PLAINTIFF ON THE GROUND TO EFFECTUATE AN ASSAULT BRUTALLY, EXCESSIVELY, UNREASONABLY AND UNNECESSARILY USED PHYSICAL FORCE BY STRIKING, SLAPPING, KICKING , BATTERING, BEATING ASSAULT, PLAINTIFF ABOUT THE BODY.

THIS INCIDENT WAS WITNESSED BY MY CELLMATE AT THE TIME HIS NAME WAS MR. DELANCY HE WITNESSED THE ASSAULT THAT HAPPEN TO ME AND THE OTHER OFFENDER WITNESSED THE VERBAL THREAT AGAINST ME THERE NAME WAS MR. MITCHELL #529807 AND MR. CRAIG WILLIAM.

THIS INCIDENT IS ON VIDEO SURVELLANCE TAPE, DATES MARCH 14, 2012 THE DEFENDANTS SLAMING THE PLAINTIFF TO THE FLOOR AND CHOKING HIM ON THE FLOOR THOSE DEFENDANTS ASSAULTED PLAINTIFF ROBERT BLISS, AND RICKY HAYES JOHN PIERCEAL, WHILE IN WRIST RESTRAINTS ON THE PLAINTIFF ON THE GROUND TO EFFECTUATE AN ASSAULT BY COII ROBERT BLISS & RICKY HAYES & JOHN PIERCEAL THEN THEY SLAMED THE PLAINTIFF TO THE FLOOR CAUSEING INJURY TO THE PLAINTIFF NECK, FACE, BACK AND SPINE AND SHOULDER PLAINTIFF WAS ALREADY IN WRIST RESTRAINTS AND SUBSEQUENTLY TAKEN TO HOUSING UNIT #1 D WING AS PUNISHMENT. THE DEFENDANTS WAS TWISTING THE PLAINTIFF ARM INFLECTING PAIN AND INJURY TO THE PLAINTIFF SHOULDER AND CHOKING HIM ON THE FLOOR, SLAPPING , KICKING , AND ASSAULTING THE PLAINTIFF AND INJURY TO HIS BODY.

MR MCINTYRE KERRY WAS LYING DEFENSELESSON THE FLOOR WITH HIS HANDCUFFED BEHIND HIS BACK AND COII ROBERT BLISS HAD HIS KNEES INTO THE PLAINTIFF BACK CAUSEING PAIN TO HIS LOWER SPINE AND BACK , THIS COII MR. BLISS WEIGH ABOUT 415 IBS. AND THE DEFENDANTS HAD THERE WEIGH OF THERE KNEES ON MY NECK THIS WAS OFFICER RICKY HAYES AND THE OTHER COI WAS JOHN PIERCEAL HAD HIS WEIGH ON THE PLAINTIFF BACK.

WHEN THE PLAINTIFF WAS DEFENSELESS ON THE FLOOR WITH HIS HANDSCUFFED BEHIND HIS BACK THE COII ROBERT BLISS WAS CHOKING THE PLAINTIFF AROUND THE NECK CAUSEING PAIN AND INFLECTING PAIN TO THE PLAINTIFF AND WAS CUTTING OFF THE OXYGEN TO THE PLAINTIFF BREATHING CAUSEING DIZZINESS HEADACHE, CAUSEING HIM TO PASS OUT WHEN THE PLAINTIFF WAS TAKEN OFF THE FLOOR BEING TRANSPORTED OUT OF THE HOUSEING UNIT WING I DID NOT RESIST OR STRUGGLED PRIOR TO BEING TAKEN OFF THE FLOOR COII BLISS WAS AND RICKY AND MR. JOHN WAS ON VIDEO CAMERA ASSAULTING AND SLAMING THE PLAINTIFF TO THE FLOOR AND BRUTALLY EXCESSIVELY UNREASONABLE AND UNNECESSARILY USED PHYSICAL FORCE BY STRIKING SLAMING THE PLAINTIFF FACE AND HEAD TO THE FLOOR.

THEN THE DEFENDANTS ROBERT BLISS CONTINUED TO INTIMIDATE AND THREATEN THE PLAINTIFF WHEN PLAINTIFF WAS BEING TRANSPORTED TO THE ADINASTRATOR SEGREGATION HOUSING UNIT THE PLAINTIFF WAS THEN PUT IN A STRIP CELL AND ALL OF THE PLAINTIFF CLOTHING WAS TAKE FROM HIM PLAINTIFF HAD NO CLOTHING NO SHOES , MATTERESS, NO PILLOW, NO BLANKET , NO SHEET NO SOCKS ETC . PLAINTIFF HAD TO SLEEP ON THE FLOOR FOR DAYS WITH OUT MATTERESS CAUSEING THE PLAINTIFF BACK INJURY FROM THE DEFENDANTS UNNECESSARILY USED PHYSICAL FROCE BY ROBERT BLISS AND THE OTHER DEFENDANTS CAUSEING THE PLAINTIFF TO SUFFER MORE BACK PAIN AND BACK INJURY TO HIS SPINE THE INJURIES INFLECTED BY DEFENDANTS INCLUDING BUT NOT LIMITED TO INJURIES TO HIS EYES BRUISES AND ABRASION INJURY TO THE RIB ,AND FACE AND HEAD , LEGS & ANKLE.



THAT AS RESULT OF THE AFORMENTIONED INJURIES, PLAINTIFF WAS IN NEED OF SPECIALIZED MEDICAL TREATMENT AND CARE TO MONITOR HIS SYMPTOMS AND ALL EVIATE THE INJURIES OF HIS SWELLING FACE AND LEGS AND ARM AND HEAD AND DISCOMFORT HE WAS EXPERIENCING PLAINTIFF WAS SUFFERING FROM SERIOUS MEDICAL AILMENT REQUEST MEDICAL TREATMENT FOR SAID AILMENTS FROM DEFENDANTS ROBERT BLISS & RICKY HAYES & JOHN PIERCEAL HOWEVER PLAINTIFF NEED FOR CARE WERE IGNORED AND OR REFUSED BY DEFENANTS IN THE ABOVE.

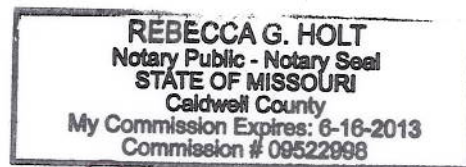
PLAINTIFF WAS DENIED TREATMENT AND OR MEDICATION AND WAS TAUNTED BY SAID DEFENDANTS BLISS & MR. RICKY & ,MR. JOHN WITH KNOWLEDGE OF PLAINTIFF MEDICAL NEED AND / OR WITH DELIBERATELY INDIFFERENCE TO SUCH NEED HAVE ACTED OR FAILED TO ACT IN SUCH A WAY AS TO DEPRIVE PLAINTIFF OF NECESSARY AND ADAQUATE MEDICAL CARE THEREBY ENDANGERING PLAINTIFF HEALTH AND WELL BEING SUCH ACTS OR OMISSIVE VIOLATED RIGHT SECURED TO THE PLAINTIFF UNDER THE FIFTH , EIGHTH & FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

DEFENDANTS WITH KNOWLEDGE OF PLAINTIFF MEDICAL NEEDS HAVE A DUTY UNDER THE FIFTH , EIGHTH AND FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROVIDE NEEDED MEDICAL CARE TO INMATE AT N.ECC

THE EVIDENCE OF THE ASSAULTED BY THE DEFENDANTS IS ON THE VIDEOTAPE AND THE EVIDENCE OF THE PLAINTIFF MEDICAL RECORD WILL SHOW THAT THIS CASE IS NOT FRIVLOUS, OR MALICIOUS THE LAW WAS CLEARLY ESTBLISHED AT TIME OF INMATE INJURIES THAT PRISON OFFICALS COUNDBE LIABLE FOR FAILURE TO PROTECT INMATE FROM USE OF EXCESSIVE FORCE IF THEY WERE DILIBERATELY TO SUBSTANTIAL RISK OF SERIOUS HARM TO INMATE AND THUS OTHER MEMBER OF A MOVEMENT TEAM SENT TO RESTRAIN INMATE AND REMOVE HIM FROM CELL WERE NOT ENTITLED TO QUALIFIED IMMUNITY FROM LIABILITY FOR FAILING TO INTERCED WHEN CORRECTIONAL OFFICER ASSAULTED INMATE SEE: ESTATE OF DAVIS BY OSTENFELD V. DELO 115 f. 3d. 1388 .

the plaintiff request for a jury trial demanded in the case.

*Kerry McGinty*



*Rebecca G. Holt*  
1/17/13

VIII

PLAINTIFF IS RELIABLY INFORMED AND BELIVES AND THEREON ALLEGES THAT DEFENDANTS JAMES HURLEY , IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF N.E.C.C. WAS AWARE OF AND APPROVED OF SAID ACTS OF ABUSE AGAINST PLAINTIFF WAS WITH IN HIS JURISDICTION AND CONTROL .

IX

THAT AS A DIRECT AND PROXIMATE RESULT OF THE CONDUCT OF DEFENDANTS PLAINTIFF HAS SUFFERED MENTAL , PHYSICAL AND EMOTIONAL PAIN AND SUFFERING.

X

THAT THE CONDUCT OF DEFENDANTS BLISS ROBERT, CONSTITUTION CRUEL AND UNUSUAL PUNISHMENT BY DEFENDANTS IN VIOLATION OF PLAINTIFF'S RIGHTS AS SECURED BY THE EIGHT AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

XI

THAT THE CONDUCT OF DEFENDANTS BLISS ROBERT, AND RICKY HAYES , AND JOHN PIERCEAL , DEPRIVED PLAINTIFF OF HIS RIGHT PRIVILEGES AND IMMUNITIES SECURED TO HIM BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

XII

THE DEFENDANTS ABOVE DESRIBLED ACTIONS HAVE CAUSE PLAINTIFF TO SUFFER DAMAGES.

XIII

THAT THE CONDUCT OF DEFENDANTS BLISS ROBERT WAS WILLFUL , WANTON AND MALICIOUS AND ONE WITH AN EVIL MOTIVE AND INTENT AND A RECKLESS DISREGARD FOR RIGHT AND SAFETY OF PLAINTIFF AND THEREFORE WARRANTS THE IMPOSITION OF EXEMPLARY AND PUNITIVE DAMAGES IN THE SUM \$30, 000.000. DOLLARS AND NO CENTS AS TO EACH SAID DEFENDANTS.

WHEREFORE , PLAINTIFF PRAYS THAT THIS COURT ENTER JUDGMENT AGAINST DEFENDANTS:

1. AWARDING PLAINTIFF DAMAGES IN AN AMOUNT WHICH IS FAIR AND REASONABLE
2. AWARDING PLAINTIFF REASONABLE COSTS AND EXPENSES OF THIS ACTION INCLUDING ATTORNEY FEES.
3. AWARDING PLAINTIFF EXEMPLARY AND PUNITIVE DAMAGES IN THE AMOUNT \$1 000.000.00 .
4. ORDERING SUCH OTHER AND FURTHER AS MAY BE JUST IN THE PREMISES .



XIV

PLAINTIFF HEREBY INCORPORATES BY REFERENCE THERE TO PARAGRAPH I THROUGH VII OF PLAINTIFF'S COMPLAINT SET FORTH HEREIN.

XV

DEFENDANTS BLISS ROBERT & RICKY HAYES WERE ON DUTY ON THE DAY OF THE INCIDENT AS SET FORTH HEREIN AND WERE RESPONSIBLE FOR THE SAFEKEEPING AND SUPERVISION OF PRISONERS INCLUDING PLAINTIFF AND WHILE DOING SO THEY ACTED IN THEIR CAPACITY UNDER COLOR OF STATE LAW.

XVI

DEFENDANTS RICKY HAYES & JOHN PIERCEAL WERE PRESENT AND OBSERVED THE INCIDENT SET FORTH ABOVE AND TOOK NO ADEQUATE STEPS TO ALLEVIATE THE ACTIONS TAKEN BY DEFENDANTS BLISS ROBERT, & RICKY HAYES & JOHN PIERCEAL.

XVII

DEFENDANTS BLISS ROBERT & RICKY HAYES & JOHN PIERCEAL WERE DELIBERATELY INDIFFERENT AND GROSSLY NEGLIGENT OF THEIR RESPONSIBILITY TO PLAINTIFF WHILE HE WAS IN THEIR CARE, CUSTODY AND CONTROL. THE DELIBERATE INDIFFERENCE AND GROSS NEGLIGENCE RESULTED IN VIOLATION OF THE CIVIL RIGHTS OF PLAINTIFF GUARANTEED BY THE FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

XVIII

THAT DEFENDANTS BLISS ROBERT, WERE WITH RICKY HAYES & JOHN PIERCEAL WERE ALL SO SITUATED THAT ANY ONE OF THEM COULD HAVE ACTED TO PREVENT THE INJURIES SUFFERED BY PLAINTIFF AS SET FORTH HEREIN AND DID INDIVIDUALLY AND JOINTLY, DELIBERATELY, MALICIOUSLY AND WILLFULLY FAIL TO PREVENT SAID INJURIES.

IXX

THAT AS A DIRECT AND PROXIMATE RESULT OF THE DEFENDANTS DELIBERATE INDIFFERENCE AND GROSS NEGLIGENCE, PLAINTIFF HAS SUFFERED DAMAGES.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ENTER JUDGMENT AGAINST DEFENDANTS BLISS ROBERT & RICKY HAYES & JOHN PIERCEAL:

1. AWARDING PLAINTIFF DAMAGES IN AN AMOUNT WHICH IS FAIR AND REASONABLE IN THE CIRCUMSTANCES:
2. AWARDING PLAINTIFF REASONABLE COSTS AND EXPENSES OF THIS ACTION INCLUDING ATTORNEY FEES.
3. ORDERING SUCH OTHER AND FURTHER RELIEF AS MAY BE JUST IN THE PREMISES.



COUNT III

PLAINTIFF HEREBY INCORPORATES BY REFERENCE THERE TO PARAGRAPH I THROUGH VII OF PLAINTIFF'S COMPLAINT SET FORTH HEREIN.

XXI

DEFENDANTS JAMES HURLEY AS SUPERINTENDANT OF N.E.C.C. IS THE UNTIMATE AUTHORITY RESPONSIBLE FOR MAKING OFFICIAL POLICY FOR AND CONDUCTING THE OPERATIONS AND MANAGEMENT OF N.E.C.C. AND HAS CUSTODY OF ALL PERSONS DETAINED OR INCARCERATE AT N.E.C.C. DEFENDANTS JAMES HURLEY NEGLIGENTLY OPERATED, SUPERVISED AND MANAGED N.E.C.C.

A) FAILING TO ADOPT INCORPORATE AND ENFORCE SUCH RULES, REGULATIONS AND POLICIES AND PROCEDURES FOR THE OPERATION SUPERVISION AND MANAGEMENT OF N.E.C.C. AS WOULD REASONABLY PROTECT PLAINTIFF FROM THE ACTS SET FORTH HEREIN;

B) FAILING TO PROPERLY SUPERVISE AND REVIEW THE OPERATION MANAGEMENT ACTIVITIES AND WORK PERFORMANCE OF CORRECTIONAL OFFICERS AT N.E.C.C.

XXIII

AS A DIRECT AND PROXIMATE RESULT OF SAID DEFENDANTS NEGLIGENCE, PLAINTIFF WAS ASSAULTED AND SUSTAINED THE AFORESAID INJURIES AND DAMAGES AND THAT THEREBY DEPRIVED PLAINTIFF OF RIGHTS PRIVILEGES AND IMMUNITIES SECURED TO HIM BY FIFTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ENTER JUDGMENT AGAINST DEFENDANTS JAMES HURLEY & JOHN PIERCEAL & RICKY HAYES.

1. AWARDING PLAINTIFF DAMAGES IN AN AMOUNT WHICH IS FAIR AND REASONABLE IN THE CIRCUMSTANCES;

2. AWARDING PLAINTIFF REASONABLE COSTS AND EXPENSES OF THIS ACTION INCLUDING ATTORNEY FEES.

3. ORDERING SUCH OTHER AND FURTHER RELIEF AS MAY BE JUST IN THE PREMISES.

PLAINTIFF HEREBY INCORPORATES BY REFERENCE THERE TO PARAGRAPH I THROUGH VII OF PLAINTIFF COMPLAINT SET FORTH HEREIN.

XXV

DEFENDANTS JAMES HURLEY IN HIS CAPACITY AS SUPERINTENDENT WAS AWARE AND KNEW THAT THE PRACTICE AND PROCEDURE OF ALL CORRECTIONAL OFFICERS AT N.E.C.C. TOWARDS AFRICAN AMERICANS POSED A CLEAR AND PRESENT DANGER TO THE SAFETY OF PLAINTIFF AND THE SAID DEFENDANTS JAMES HURLEY HAVEING THE POWER TO CORRECT THERE POLICYS, PRACTICES AND PROCEDURES, WILLFULLY DELIBERATELY, MALICIOUSLY AND WITH GROSS NEGLIGENCE AND RECKLESS DISREGARD FAILED TO DO SO THE FAILURE ON PART OF SAID DEFENDANTS JAMES HURLEY TO TAKE ANY ACTION TO PREVENT SUCH CONDUCT CONSTITUTION OR CONSTITUTED A PRACTICE, POLICY AND CUSTOM WHICH DEPRIVED PLAINTIFF OF RIGHTS GUARANTEEN BY THE FIFTH AND FOURTEENTH AMENDMENT TO CONSTITUTION OF THE UNITED STATES.

XXVI

THAT AS A DIRECT AND PROXIMATE RESULT OF SAID WILLFUL, DELIBERATE, MALICIOUS AND GROSS NEGLIGENCE AND RECKLESS DISREARD BY DEFENDANT JAMES HURLEY , PLAINTIFF HAS BEEN DAMAGED.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ENTER JUDGMENT AGAINST DEFENDANT JAMES HURLEY:

1. AWARDING PLAINTIFF DAMAGES IN AN AMOUNT WHICH IS FAIR AND REASONABLE IN THE CIRCUMSTANCES:
2. AWARDING PLAINTIFF REASONABLE COSTS AND EXPENSES OF THIS ACTION INCLUDING ATTORNEY FEES.
3. ORDERING SUCH OTHER AND FURTHER RELIEF AS MAY BE JUST IN THE PREMISES.

COUNT V  
XXVII

PLAINTIFF HEREBY INCORPORATES BY REFERENCE THERETO PARAGRAPHS I THROUGH VII . OF PLAINTIFF'S COMPLAINT SET FORTH HEREIN.

XXVIII

DEFENDANTS BLISS ROBERT, & RICKY HAYES, & JOHN PIERCEAL WHILE ACTING IN CONCERT WITH AND OR BEING AIDED BY EACH OTHER DID ASSAULT PLAINTIFF AS SET FORTH HEREIN.

XXIX

DEFENDANTS BLISS ROBERT, & RICKY HAYES & JOHN PIERCEAL CONSPIRED TO AND DID IN FACT DEPRIVE DEFENDANT OF RIGHTS AS WOULD SHOCK THE CONSCIOUS IN VIOLATION OF THOSE GUARANTEED HIM BY THE FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES.

XXX

THAT THE CONDUCT OF DEFENDANTS WAS WILLFUL, WANTON AND MALICIOUS AND ONE WITH AN EVIL MOTIVE AND INTENT AND A RECKLESS DISREGARD FOR THE RIGHTS AND SAFETY OF PLAINTIFF AND THEREFORE WARRANTS THE IMPOSITION OF EXEMPLARY AND PUNITIVE DAMAGES IN THE SUM OF \$30. 000 000.00( MILLION DOLLARS AND NO CENTS ) AS TO EACH OF SAID DEFENDANTS.

WHEREFORE , PLAINTIFF PRAYS THAT THIS COURT ENTER JUDGMENT AGAINST DEFENDANTS BLISS ROBERT, & RICKY HAYES & JOHN PIERCEAL.

1. AWARDING PLAINTIFF DAMAGES IN AN AMOUNT WHICH IS FAIR AND REASONABLE IN THE CIRCUMSTANCES:
2. AWARDING PLAINTIFF EXEMPLARY AND PUNITIVE DAMAGES IN THE AMOUNT OF \$ 30. 000.000.00.
3. AWARDING PLAINTIFF REASONABLE COSTS AND EXPENSES OF THIS ACTION INCLUDING ATTORNEY FEES.



4. ORDERING SUCH OTHER AND FURTHER RELIEF AS MAY BE JUST IN THE PREMISES.

COUNT VI

XXXI

PLAINTIFF HEREBY INCORPORATES BY REFERENCE THERETO PARAGRAPHS I THROUGH VII. OF PLAINTIFF COMPLAINT SET FORTH HEREIN ,.

XXXII

ON OR ABOUT MARCH 14, 2012 WHILE INCARCERATED AT N.E.C.C. PLAINTIFF WAS SUFFERING FROM INJURIE INFLICTED BY DEFENDANTS BLISS ROBERT, & RICKY HAYES, & JOHN PIERCEAL, INCLUDING BUT NOT LIMITED TO INJURIES TO BOTH EYES, LOSS OF VISION, LOSS OF HEARING IN THE RIGHT EAR, BRUISES AND ABRASIONS, INJURY TO THE RIBS, FACE, HEAD, LEG AND ANKLE AND INJURY BACK AND SPINE AND NECK INJURY.

XXXIII

THAT AS A RESULT OF THE AFOREMENTIONED INJURIES, PLAINTIFF WAS IN NEED OF SPECIALIZED MEDICAL TREATMENT AND CARE TO MONITOR HIS SYMPTOMS AND ALLEVIATE THE DISCOMFORT HE WAS EXPERIENCING .

XXXIV

PLAINTIFF WHILE SUFFERING FROM A SERIOUS MEDICAL AILMENT REQUESTED MEDICAL TREATMENT FOR SAID AILMENTS FROM DEFENDANTS BLISS ROBERT AND JOHN PIERCEAL & RICKY HAYES PLAINTIFF NEEDS FOR CARE WERE IGNORED AND /OR REFUSED BY DEFENDANTS BLISS, AND ROBERT, & HAYES, PIERCEAL, PLAINTIFF WAS DENIED TREATMENT AND /OR MEDICATIONS AND WAS TAUNTED BY SAID DEFENDANTS.

XXXV

DEFENDANTS BLISS ROBERT, AND JOHN PIERCEAL, & RICKY HAYES, WITH KNOWLEDGE OF PLAINTIFF'S MEDICAL NEED AND /OR WITH DELIBERATE INDIFFERENCE TO SUCH NEEDS HAVE ACTED OR FAILED TO ACT IN SUCH A WAY AS TO DEPRIVE PLAINTIFF OF NECESSARY AND ADEQUATE MEDICAL CARE THEREBY ENDANGERING PLAINTIFF'S HEALTH AND WELL-BEING. SUCH ACTS OR OMMISSIONS VIOLATED RIGHTS SECURED TO PLAINTIFF UNDER THE FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

XXXVI

DEFENDANTS WITH KNOWLEDGE OF PLAINTIFF'S MEDICAL NEEDS HAVE A DUTY UNDER THE FIFTH, EIGHTH, AND FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROVIDE NEEDED MEDICAL CARE TO INMATE AT N.E.C.C.

XXXVII

DEFENDANTS ACTIONS AND /OR OMISSIONS WERE NEGLIGENT AND / OR RECKLESS AND OR INTENTIONAL.

XXXVII I

THE DEFENDANTS ABOVE DESCRIBED HAVE CAUSED PLAINTIFF TO SUFFER DAMAGES WHEREFORE , PLAINTIFF PRAY THAT THIS COURT ENTER JUDGMENT AGAINST DEFENDANTS BLISS ROBERT, AND RICKY HAYES, AND JOHN PIERCEAL .

1. AWARDING PLAINTIFF DAMAGES IN AN AMOUNT IS FAIR AND REASONABLE IN THE CIRCUMSTANCE.

2. AWARDING PLAINTIFF REASONABLE COSTS AND EXPENESS OF THIS ACTION INCLUDING ATTORNEY FEES.

3. ORDERING SUCH OTHER AND FURTHER RELIEF AS MAY BE JUST IN THE PREMISES.

Kerry Mc Intyre  
NAME:

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERIFIES THAT A TRUE AND ACCURATE COPY OF THE FOREGOING WAS SERVED BY U.S. MAIL , FIRST CLASS POSTAGE PREPAID THIS \_\_\_\_\_ DAYS OF 2013 UPON THE ATTORNEY GENERAL OFFICE AT P.O. BOX. 899 JEFFERSON CITY MO. 65102

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRET.

EXECUTED SIGNED THIS \_\_\_\_\_ DAYS OF \_\_\_\_\_ 2013

Kerry Mc Intyre  
NAME:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17<sup>th</sup> DAY OF January 2013

Rebecca G. Holt  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

6-16-2013  
(MONTH) (DAY) (YEAR)





X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.  
GIVE THE PLAINTIFF A JURY TRIAL DEMANDED

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. n/a

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes      No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

n/a

C. Have you previously had a lawyer representing you in a civil action in this court? Yes      No X

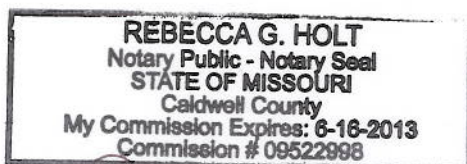
If your answer is "Yes," state the name and address of the lawyer.

n/a

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 17<sup>th</sup> day of January 2013

X Kerry McIntyre  
Signature(s) of Plaintiff(s) mcintyre ,kerry



Rebecca G Holt 1/17/13